

Amendment/Top court is more conservative

From B1

prepared if we lose," Dubofsky said.

If Amendment 2 is upheld, she said, gay-rights advocates in Colorado will mobilize as never before. And if it is struck down, another version of Amendment 2 can be anticipated.

To underscore what is at stake, the news conference reintroduced the faces behind the legal battle.

While the lawyers delved into equal-protection theory, John Miller said his motives for joining the lawsuit arise partly from confronting the words "Die Fag Die" scrawled across his office door. Miller, chairman of the languages and cultures department at the University of Colorado at Colorado Springs, is one of six gay men and lesbians who brought the original lawsuit, along with the cities of Denver, Boulder, Aspen and the Boulder Valley School District.

"People need to be emotionally prepared if we lose."

Jean Dubofsky

The appearance of Miller and four other plaintiffs was arranged by Amendment 2's challengers to influence renewed media coverage of the measure. Members of the national media are in Colorado to prepare material before they converge on the Supreme Court next month.

Monday's meeting with the press was a revival of a similar event held in spring 1994, just before the case was argued before the state Supreme Court.

"It was very effective. The coverage was more balanced,"

said Pat Steadman of the Colorado Legal Initiatives Project, which organized the lawsuit in 1992. "This is a chance to have the media hear our perspective."

Denver police officer Angela Romero told of being demoted and of waiting for police backup that never came. Former Denver warehouse worker Paul Brown told of harassment on the job and of being laid off for unspoken reasons. United Church of Christ Minister Priscilla Inkpen spoke of the fear other gay and lesbian pastors have of finding a job if their sexual orientation were revealed.

Each voiced conviction in their cause, but already some are taking a philosophical approach to their date with the highest court in the land.

"The fact that we're at the Supreme Court level for me is already a statement of winning," Miller said. "A single decision does not define civil rights law."



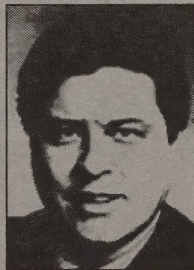
Washington at all

ce's \$440 million
nt Administration
cent, the \$44 mil-
less Development
percent, the \$101
communications
ministration is cut
the \$94 million

government to a path of increasing defi-
cits and burdensome taxes. This hap-
pens because a bureaucracy is left in
place to work with interest groups to-
ward reinstating the funding that was
lost.

According to a Congressional Re-
search Service report, the Reagan ad-

a national health care program is pro-
posed, for example, we no longer ask
the basic question: Just where does
the Constitution grant this power?



**JOSEPH
SOBRAN**

Answer: No-
where. Then how
did the federal gov-
ernment acquire so
many unlisted
powers? By the in-
sidious process of
"consolidation,"
which the Constitu-
tion was meant to
prevent. So why
didn't the Constitu-
tion prevent it? Be-

cause the federal government system-
atically reinterpreted the Constitu-
tion in its own favor.

In the 1798 Kentucky Resolutions,
Thomas Jefferson warned that the
federal government must never be al-
lowed to become the final arbiter of
the extent of its own powers. His
warning was disregarded. Eventually
the Supreme Court was allowed to
treat the Constitution as a "living
document" — one whose meaning
was not fixed but fluid, alterable at
the discretion of those currently in
power. Of course this defeats the
whole purpose of a Constitution, or
indeed any written law.

What would a truly federal system
look like? The possibilities are infi-
nite. If the states were permitted to
keep their individuality, we might
have a checkerboard of socialist and

Amendment 2 foes prepare for hard sell

Legal team says Supreme Court will be skeptical

By **Jeff Thomas**

Gazette Telegraph

DENVER — Not exactly brimming with confidence, the legal team attacking Amendment 2 acknowledged Monday that it will have a tough time winning over the U.S. Supreme Court.

The lawyers and some of their clients said at a news conference that the lawsuit over the measure gives a conservative Supreme Court the opportunity to swing to the right on civil rights protections. And they urged gay-rights supporters to brace for a defeat.

"The climate of this court is not to extend protections but, in fact, to begin to roll them back," said Jean Dubofsky, who will argue against Amendment 2 before the high court Oct. 10.

Amendment 2, added to the state constitution by Colorado voters in 1992, forbids state and local governments from adopting laws that protect gays and lesbians from discrimination based on sexual orientation. Immediately challenged in court, the measure never has taken effect and has

been ruled unconstitutional by the Colorado Supreme Court.

Dubofsky, a former state Supreme Court justice, said she expects the fate of Amendment 2 to hinge upon a 1969 ruling involving Akron, Ohio. The high court ordered Akron to drop a city ordinance that put up for a vote any proposal aimed at erasing racial bias in housing.

Dubofsky said she anticipates that the nine justices will question her relentlessly about that case — and whether a decision that turned on race can now turn on homosexuality.

The Colorado Supreme Court said it could — and that was the main reason it threw out Amendment 2.

"The legal theory behind it clearly goes beyond African-Americans," Dubofsky said. "If you put 'women' or 'left-handers' or 'gun owners' or any group of people into the language of Amendment 2, it ought to be unconstitutional, under the theory of the Colorado Supreme Court."

But the nation's high court is more conservative than it was in the 1960s, and the legal team arrayed against Amendment 2 expects the decision to rest in the hands of one or two swing votes.

"People need to be emotionally

See **AMENDMENT/B6**

Grands, Vertical Pianos, Digital
Pianos And Organs Too!

OVER 100 PIANOS ON DISPLAY!

DATE: THURSDAY, SEPT 28TH
TIME: 3 p.m. till 9 p.m.

MANY BRANDS REPRESENTED!

NEW — USED — RENTAL RETURNS — REPOS

Including Baldwin, Steinway, Yamaha,
Wurlitzer, Kimball, Young Chang, Samick,
Chickering, Sohmer.

THIS IS THE BIG ONE DON'T MISS IT!

Christmas Lay-Away Available
-NO DEALERS PLEASE-

GOOD NEWS PIANO & ORGAN

3815 N. Academy Blvd.

59